

1

2

3

4

5

**UNITED STATES DISTRICT COURT**

6

**DISTRICT OF NEVADA**

7

WILLIAM MITCHELL BELL,

8

Plaintiff,

9

v.

10

JOHN DOE, SHERIFF, et al,

11

Defendants.

12

13

2:11-cv-00922-LDG-PAL

**ORDER**

On June 13, 2011, Defendant Courtney filed a motion to dismiss Plaintiff's Complaint (#5). On that same day, pursuant to the requirements of *Klingele v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988) and *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998), the court notified Plaintiff that failure to file an opposition within fourteen (14) days constituted Plaintiff's consent to grant Defendant's motion (#6). On June 24, 2011, Plaintiff filed motions for appointment of counsel (#11) and for "an additional forty-five (45) days from the date of the minute order to file his opposition" to Defendant's motion to dismiss (#10). Granting Plaintiff's requested additional time would make his opposition due by July 28, 2011. The court denied Plaintiff's request for appointment of counsel and granted his motion for additional time (#12).

Plaintiff failed to file any opposition by July 28, 2011. On September 6, 2011, Defendant Courtney filed a notice that Plaintiff had failed to file any timely opposition and urged this court to grant his unopposed motion to dismiss (#16). Docketed that same day, but apparently submitted on August 31, 2011, Plaintiff filed a motion requesting an "additional forty-five (45) days from the

1 date of this motion to file his opposition" to the Defendant's motion to dismiss (#18). Plaintiff  
2 filed this request, however, over one month after the expiration of time for filing an opposition.  
3 Furthermore, even were this court to construe the timing of his request in Plaintiff's favor and  
4 grant his motion, Plaintiff's additional requested time has already expired without the filing of any  
5 opposition. Therefore, based on Local Rule 7-2(d) and this court's previous orders, Plaintiff's  
6 failure to file any timely opposition constitutes his consent to grant Defendant Courtney's motion  
7 to dismiss. Additionally, for the reasons stated in Defendant's brief, Plaintiff's Complaint fails to  
8 state any claim against Defendant Courtney. Accordingly,

9 THE COURT HEREBY ORDERS that Defendant Courtney's motion to dismiss (#5) is  
10 GRANTED.

11 THE COURT FURTHER ORDERS that Plaintiff's motion for additional time (#18) is  
12 DENIED as moot.

13  
14 DATED this 20 day of October, 2011.

15  
16  
17 Lloyd D. George  
United States District Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26